

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

HANNAH MCNEIL, Individually, as Surviving Plaintiff,)	
Spouse of DELMER MCNEIL, JR. and as next friend of D. MCNEIL, III; .D. MCNEIL, III by and through his mother and next friend, HANNAH MCNEIL; and HANNAH MCNEIL, Administrator of the Estate of DELMER MCNEIL, JR.)	
Plaintiffs,)	
v.)	
LG SOURCING, INC.; LOWE'S HOME CENTERS, LLC; LUCAS INNOVATION, INC.; FERRELLGAS, L.P. (as FERRELLGAS, L.P. and d/b/a FERRELLGAS OPERATING, L.P. and d/b/a BLUE RHINO); FERRELLGAS OPERATING, L.P., and BLUE RHINO Defendants.)	
)	No. 1:13-cv-01010-STA-egb

ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT

Before the Court is Plaintiff Hannah McNeil's Motion for Default Judgment and Request for Hearing or Referral (ECF NO. 106). Plaintiff seeks a default judgment against Defendant Lucas Innovation, Inc., the only Defendant remaining in this action. The Clerk of Court entered default (ECF No. 28) against Lucas on April 23, 2014. The Court referred Plaintiff's Motion for Default Judgment to the United States Magistrate Judge for a report and recommendation. The Magistrate Judge conducted a hearing on April 13, 2018, and entered his report on April 20, 2018, recommending that the Court grant the Motion. Objections to the Magistrate Judge's report and recommendation were due within 14 days of the entry of the report. No party has objected to the Magistrate Judge's proposed findings or conclusions of law. Having reviewed the Magistrate Judge's report and recommendation *de novo* and the entire record of the

proceedings, the Court hereby **ADOPTS** the report. Plaintiff's Motion for Default Judgment is **GRANTED**, and Plaintiff is awarded each of the following elements of damages against Lucas Innovation Inc. described in the Magistrate Judge's report:

Personal injury claim for DM III

- Medical Special Damages in the amount of \$2,003,000.00;
- Future Medical Damages pursuant to a Life Care Plan in the amount of \$2,440,000.00;
- Loss of Earning Capacity in the amount of \$1,771,000.00; and
- Special finding that the injury to DM III was a catastrophic injury pursuant to Tenn. Code Ann. § 29-39-102(d)(3) as DM III received burns to at least 80% of his body, warranting an award of \$1,000,000.00 in non-economic damages.

TOTAL award for DM III of \$7,214,000.00.

Personal injury claim for Hannah McNeil

- Medical Special Damages in the amount of \$45,000.00; and
- Non-economic damages of \$750,000.00 capped pursuant to Tenn. Code Ann. §29-39-102.

TOTAL award for Hannah McNeil of \$795,000.00

Wrongful death claim for D. McNeil Jr.

- Medical Special Damages in the amount of \$2,100,000.00;
- Economic Special Damages for loss of earning capacity and value of life in the amount of \$1,000,000.00; and

- Special finding that the injury to D. McNeil Jr. was a catastrophic loss pursuant to Tenn. Code Ann. § 29-39-102(d)(4) as D. McNeil Jr. died with a surviving minor child, DM III, warranting an award of \$1,000,000.00 in non-economic damages.

TOTAL award for D. McNeil Jr. in the amount of \$4,100,000.00

The Court awards DM III, Hannah McNeil, and D. McNeil Jr. a grand total of damages in the amount of \$12,109,000.00 against Lucas Innovation, Inc.

In accordance with the orders on the approval of settlements (ECF No. 90, 104, 105) and stipulation of dismissal (ECF No. 97) previously filed by the parties and having decided the final claims remaining, the Court hereby **DISMISSES** this action.

The Clerk is directed to enter judgment.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: May 9, 2018